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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. **2012-108**

12 **MARY A. LABOTZ,**
13 **aka MARY ANN ISAAK**
14 **637 W. Chennault Avenue**
Clovis, CA 93611
15 **Registered Nurse License No. 357768**
Public Health Nurse Certificate No. PHN 34501

A C C U S A T I O N

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
21 Department of Consumer Affairs.

22 2. On or about March 31, 1983, the Board issued Registered Nurse License Number
23 357768 to Mary A. Labotz, also known as Mary Ann Isaak ("Respondent"). Respondent's
24 registered nurse license was in full force and effect at all times relevant to the charges brought
25 herein and will expire on October 31, 2012, unless renewed.

26 3. On or about August 12, 1983, the Board issued Public Health Nurse Certificate
27 Number PHN 34501 to Respondent. Respondent's public health nurse certificate was in full force

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1 and effect at all times relevant to the charges brought herein and will expire on October 31, 2012,
2 unless renewed.

3 STATUTORY AND REGULATORY PROVISIONS

4 4. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
5 the Board may discipline any licensee for any reason provided in Article 3 (commencing with
6 section 2750) of the Nursing Practice Act.

7 5. Code section 2761 states, in pertinent part:

8 The board may take disciplinary action against a certified or licensed
9 nurse or deny an application for a certificate or license for any of the following:

10 (a) Unprofessional conduct, which includes, but is not limited to, the
11 following:

12 (1) Incompetence, or gross negligence in carrying out usual certified or
13 licensed nursing functions . . .

14 6. California Code of Regulations, title 16, section ("Regulation") 1442 states:

15 As used in Section 2761 of the code, 'gross negligence' includes an
16 extreme departure from the standard of care which, under similar circumstances,
17 would have ordinarily been exercised by a competent registered nurse. Such an
18 extreme departure means the repeated failure to provide nursing care as required or
19 failure to provide care or to exercise ordinary precaution in a single situation which
20 the nurse knew, or should have known, could have jeopardized the client's health or
21 life.

22 7. Regulation 1443 states:

23 As used in Section 2761 of the code, "incompetence" means the lack of
24 possession of or the failure to exercise that degree of learning, skill, care and
25 experience ordinarily possessed and exercised by a competent registered nurse as
26 described in Section 1443.5.

27 COST RECOVERY

28 8. Code section 125.3 provides, in pertinent part, that the Board may request the
administrative law judge to direct a licentiate found to have committed a violation or violations of
the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
enforcement of the case.

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1 **DEFINITIONS**

2 9. "Coumadin", a brand of warfarin sodium, is an anticoagulant (blood thinner) used in
3 the prevention or treatment of venous thrombosis, pulmonary embolism, atrial fibrillation, and
4 myocardial infarction. Coumadin interferes with blood clotting by lowering the liver's production
5 of certain clotting factors.

6 10. Prothrombin time (PT) is a blood test used to assess the clotting ability of blood; i.e.,
7 how long it takes for blood to clot. The PT test is also used to monitor the condition of patients
8 who are taking warfarin.

9 11. International Normalized Ratio (INR) is a laboratory test used to determine the
10 comparative rating of a patient's PT ratio, used as a standard for monitoring the effects of
11 warfarin.

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Gross Negligence)**

14 12. At all times relevant herein, Respondent was employed as a registered nurse for
15 Clovis Community Medical Center located in Clovis, California.

16 13. On or about September 26, 2008, patient D. L. was admitted to the medical center
17 with acute shortness of breath due to chronic obstructive pulmonary disease, rule out congestive
18 heart failure, rule out pneumonia.

19 14. On or about September 27, 2008, Dr. S. S. ordered Coumadin 5 mg for the patient to
20 be given by mouth every "HS" (hour of sleep or 2100 hours as set forth in the medical center's
21 policies and procedures). Between September 27 and October 8, 2008, the Coumadin was
22 administered by various nurses as ordered. D.L. subsequently died on October 9, 2008 from an
23 intracerebral hemorrhage.

24 15. On or about September 29, 2008, at 2000 hours, Respondent administered Coumadin
25 5 mg to the patient.

26 16. Respondent is subject to disciplinary action pursuant to Code section 2761,
27 subdivision (a)(1), on the grounds of unprofessional conduct, in that on or about September 29,

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1 2008, Respondent committed acts constituting gross negligence in her care of patient D. L. as
2 defined in Regulation 1442, as follows:

3 a. Respondent administered Coumadin to the patient without assessing lab values, PT
4 and INR, to determine if the patient was below, above, or within the target therapeutic range
5 and/or failed to question why PT and INR laboratory studies were not present in the patient's
6 chart and/or ordered by the patient's physician.

7 b. Respondent administered Coumadin to the patient without questioning the physician's
8 orders even though the patient was concurrently receiving other medications, including aspirin
9 and amiodarone, which could significantly potentiate the anticoagulant effect of Coumadin.

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Incompetence)**

12 17. Complainant incorporates by reference as though fully set forth herein the allegations
13 contained in paragraphs 12 through 15 above.

14 18. Respondent is subject to disciplinary action pursuant to Code section 2761,
15 subdivision (a)(1), on the grounds of unprofessional conduct, in that on or about September 29,
16 2008, Respondent committed acts constituting incompetence in her care of patient D. L. as
17 defined in Regulation 1443, as follows:

18 a. Respondent administered Coumadin to the patient without assessing lab values, PT
19 and INR, to determine if the patient was below, above, or within the target therapeutic range,
20 and/or failed to question why PT and INR laboratory studies were not present in the patient's
21 chart and/or ordered by the patient's physician even though Respondent knew of the bleeding
22 risks inherent in Coumadin administration and the standard or need for monitoring PT and INR.

23 b. Respondent failed to provide education to the patient on the drug/drug and
24 drug/nutrient interactions when administering the Coumadin.

25 **THIRD CAUSE FOR DISCIPLINE**

26 **Unprofessional Conduct**

27 19. Complainant incorporates by reference as though fully set forth herein the allegations
28 contained in paragraphs 12 through 15 above.

20. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a), in that on or about September 29, 2008, Respondent committed acts constituting unprofessional conduct, as set forth in paragraphs 16 and 18 above.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 357768, issued to Mary A. Labotz, also known as Mary Ann Isaak;

2. Revoking or suspending Public Health Nurse Certificate Number PHN 34501, issued to Mary A. Labotz, also known as Mary Ann Isaak;

3. Ordering Mary A. Labotz, also known as Mary Ann Isaak, to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

4. Taking such other and further action as deemed necessary and proper.

DATED:

August 15, 2011

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

SA2010103016